

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

LAURA SMALL,

Plaintiff,

CASE NO. 08-11600

HON. LAWRENCE P. ZATKOFF

v.

GANNETT CO., INC., d/b/a THE
LIVINGSTON COUNTY DAILY PRESS & ARGUS,
and MARY SCOTT,

Defendants.

ORDER TO REMAND IN PART

Plaintiff filed her Complaint in the Livingston County Circuit Court on March 11, 2008. Defendants timely removed the action to this Court on April 15, 2008, based on federal-question jurisdiction under 28 U.S.C. § 1331 and the Court's pendent jurisdiction. Plaintiff's Complaint contains the following five counts:

- | | |
|-----------|--|
| Count I | Retaliation in Violation of the Family and Medical Leave Act, 29 U.S.C. § 26011; |
| Count II | Disability Discrimination (Actual) in Violation of the Michigan Persons with Disabilities Civil Rights Act, Mich. Comp. Laws § 37.1101; |
| Count III | Disability Discrimination ("Regarded As") in Violation of the Michigan Persons with Disabilities Civil Rights Act, Mich. Comp. Laws § 37.1101; |
| Count IV | Disability Harassment in Violation of the Michigan Persons with Disabilities Civil Rights Act, Mich. Comp. Laws § 37.1101; and |
| Count V | Retaliation in Violation of the Michigan Persons with Disabilities Civil Rights Act, Mich. Comp. Laws § 37.1101. |

The Court has subject-matter jurisdiction over Count I because it arises under federal law.

28 U.S.C. § 1331. Counts II–V, however, are based on state law. Although the Court has supplemental jurisdiction over state-law claims pursuant to 28 U.S.C. § 1367(a), the Court may decline to exercise supplemental jurisdiction if there are “compelling reasons for declining jurisdiction.” *Id.* § 1367(c)(4). The Court declines to exercise supplemental jurisdiction over Plaintiff’s state-law claims in this matter. The Court finds that the contemporaneous presentation of Plaintiff’s parallel state claims for relief will result in the undue confusion of the jury. *See id.*; *see also Padilla v. City of Saginaw*, 867 F. Supp. 1309, 1315 (E.D. Mich. 1994).

Accordingly, IT IS ORDERED that Plaintiff’s state-law claims (Counts II–V) are hereby REMANDED to the Livingston County Circuit Court. The Court retains jurisdiction over Plaintiff’s federal claim (Count I).

IT IS SO ORDERED.

s/Lawrence P. Zatkoff
LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

Dated: May 2, 2008

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on May 2, 2008.

s/Marie E. Verlinde
Case Manager
(810) 984-3290